

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT CINCINNATI**

Christopher Smith,  
Petitioner

v.

Case No. 1:10-cv-841

Warden, Lebanon Correctional  
Institution,  
Respondent

**JUDGMENT**

**Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

**X Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

**IT IS ORDERED AND ADJUDGED** that the Report and Recommendation is **ADOPTED**. Petitioner's objections to the Report and Recommendation are **OVERRULED**. Petitioner's petition for writ of habeas corpus is **DISMISSED** with prejudice. The Supplemental Report and Recommendation and petitioner's objections thereto are **MOOT**.

A certificate of appealability will not issue. The Court denies petitioner leave to appeal in forma pauperis.

Date: February 15, 2012

James Bonini, Clerk

By: s/Mary C. Brown  
Mary C. Brown, Deputy Clerk